

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN CLARIZIA, <i>et. al.</i> , individually and on	:	
behalf of all others similarly situated,	:	
	:	Case No. 13-cv-02907-ALC-HBP
Plaintiffs,	:	
	:	
- v -	:	
	:	
OCWEN FINANCIAL CORPORATION, et al.,	:	
	:	
Defendants.	:	
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**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
ASSURANT DEFENDANTS' MOTION TO DISMISS COMPLAINT**

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Security Insurance Company*

Pursuant to Rule 201 of the Federal Rules of Evidence, defendants American Security Insurance Company and Assurant, Inc. (“Assurant Defendants”) hereby request that, in connection with their Motion to Dismiss filed and served concurrently herewith, the Court take judicial notice of Exhibits 1-7 attached to the contemporaneously filed Declaration of Rebecca H. Voyles (“Voyles Decl.”). The Assurant Defendants offer these documents to show the following: (1) commissions and other costs are considered as part of the overall rate applications as part of the rates charged by American Security, and/or (2) the rates used to calculate the premiums charged to plaintiffs for lender-placed insurance were filed with and approved by state regulators.

The kinds of facts that are appropriate for judicial notice are those “not subject to reasonable dispute because [they]: (1) [are] generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Courts generally will take judicial notice of the existence of other court or administrative proceedings or publicly filed documents where the purpose is merely to establish that certain matters were stated in the documents, not for their truth. *See, e.g., Kramer v. Time Warner Inc.*, 937 F.2d 767, 774 (2d Cir. 1991); *Weizmann Inst. of Sci. v. Neschis*, 229 F. Supp. 2d 234, 240 (S.D.N.Y. 2002) (“[C]ourts routinely take judicial notice of documents filed in other courts . . . not for the truth of the matters asserted in the other litigation, but rather to establish the fact of such litigation”) (citation and internal quotation marks omitted, alteration and omission in original).

Under these authorities, the Assurant Defendants request that this Court take judicial notice of Exhibits 1-7 of the Voyles Declaration as true and correct copies of the form and premium rate files made to and approved by state regulators.

Dated: New York, New York
January 21, 2014

/s/ Andrew T. Solomon

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